

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



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Petition of the Safety and Enforcement  
Division to Adopt, Amend, or Repeal  
General Order 95 Pursuant to Pub. Util.  
Code Section 1708.5

P.16-05-004  
(Filed May 9, 2016)

**REPLY COMMENTS OF THE CIP COALITION ON  
PROPOSED DECISION RE ORDER REGARDING PETITION 16-05-004  
AND ORDER INSTITUTING RULEMAKING TO CONSIDER  
SPECIFIED AMENDMENTS TO RULE 18 OF GENERAL ORDER 95**

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In accord with Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the members of the Communication Infrastructure Providers (“CIP”) Coalition (AT&T California and New Cingular Wireless PCS, LLC (“AT&T”), the California Cable and Telecommunications Association, Comcast Phone of California, LLC, Consolidated Communications of California Company, Cox Communications California, LLC, Cox California Telcom, LLC, Crown Castle NG West LLC, CTIA,<sup>1</sup> the Small LECs,<sup>2</sup> Sprint Communications, Sunesys, LLC, T-Mobile West LLC dba T-Mobile, Time Warner Cable Information Services (California), LLC, Cellco Partnership dba Verizon Wireless, and Citizens Telecommunications Company of California Inc. d/b/a Frontier Communications of

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<sup>1</sup> CTIA – The Wireless Association® (“CTIA”) ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

<sup>2</sup> The Small LECs are the following carriers: Calaveras Telephone Company, Cal-Ore Telephone Co., Ducor Telephone Company, Foresthill Telephone Co., Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Co., Pinnacles Telephone Co., The Ponderosa Telephone Co., Sierra Telephone Company, Inc., The Siskiyou Telephone Company, Volcano Telephone Company, and Winterhaven Telephone Company.

California (U-1024-C), Frontier Communications of the Southwest Inc. (U-1026-C), and Frontier California Inc. (U-1002-C) (collectively “Frontier”)), provide these reply comments in response to comments filed by other parties on the Proposed Decision re Order Regarding Petition 16-05-004 and Order Instituting Rulemaking to Consider Specified Amendment to Rule 18 of General Order 95 filed in the above-captioned proceeding on October 5, 2016 (the “PD”).

In its comments, the Safety and Enforcement Division (“SED”) asks the Commission to improperly expand the scope of the rulemaking in several significant respects. As detailed below, the CIP Coalition opposes each of expansions requested by SED.

SED’s Proposed Conclusion of Law v. SED asks the Commission to consider in the rulemaking the “[a]ddition of a statement that Rule 18 does not relieve companies from any requirements elsewhere in GO 95, and that all violations of GO 95’s safety requirements are subject to potential enforcement actions, regardless of whether the electric utility or Communication Infrastructure Provider has plans for corrective action.” SED’s proposed addition to the PD’s conclusions of law is little more than thinly-veiled advocacy for a specific result – eliminating the Rule 18 priority levels – through the insertion of inappropriate conclusions at the outset of the rulemaking. The CIP Coalition opposes this attempt to improperly prejudice the outcome of this rulemaking.

SED’s Proposed Conclusion of Law vi. SED further asks the Commission to consider “[w]hether the prioritization of corrective actions in Rule 18.A should be retained; if so, for what purpose; and whether the list of factors in Rule 18.A should be modified to align more closely with the citation factors articulated in Decision 16-09-055.” The PD already indicates that the rulemaking will consider amending Rule 18 to “eliminate the provisions in Rule 18 that allow utilities to defer or forgo the remediation of overhead facilities that pose a risk to safety and/or

reliability” and “replace the term ‘nonconformance’ in Rule 18 with the term ‘violation.’” PD, Conclusions of Law i and ii. Thus, the rulemaking will consider, among other things, whether the priority paradigm should be maintained as well as the length of time permitted for utilities to remediate conditions that pose low to high but non-immediate safety and/or reliability risk (Rule 18 - Priority Level 2), and those conditions that are at an acceptable level of risk and thus the utility has the discretion to take action as appropriate (Priority Level 3). Accordingly, SED’s proposed conclusion of law is unnecessary and should be rejected.

SED’s Proposed Conclusion of Law vii. SED asks the Commission to consider in the rulemaking “[a]ny other amendments to Rule 18 that would enhance the safety and reliability of facilities subject to GO 95,” which the CIP Coalition understands to be a tacit request to amend Rule 18.B. *See* SED Comments at 10-11. This late attempt to expand the scope of the rulemaking should be rejected because there has been no showing in this proceeding or otherwise of any infirmity with Rule 18.B (which essentially provides for utilities/CIPs to notify one another of safety hazards), which was the result of lengthy, exhaustive workshops that resulted in its adoption in Decision 09-08-029. The Commission should reject SED’s attempt to open the door to revisit this important and uncontested part of the General Order; there is simply no basis to do so.

SED’s Proposed Conclusion of Law viii. Finally, SED asks the Commission to reverse itself by considering in the rulemaking whether Rule 18 should be repealed in its entirety. The CIP Coalition strongly opposes this request. The PD properly rejected SED’s request to wholly eliminate Rule 18, which the PD correctly found to contain “provisions that manifestly protect safety and reliability.” PD at 28, Finding of Fact #4. SED’s request to wholly repeal Rule 18 was unanimously opposed by commenters in response to the Petition, including the CIP

Coalition.<sup>3</sup> The SED proposal to resurrect its Petition by surreptitiously reinserting it as a topic within the scope of this proceeding would effectively eviscerate a substantial portion of the PD and should be rejected.

Procedural Schedule. The CIP Coalition supports the proposals made by Southern California Edison Company, Pacific Gas & Electric Company, and San Diego Gas & Electric Company to extend the time period for the submission of opening and reply comments, either by 10 or 20 days.

Dated: October 31, 2016

Respectfully submitted,

By: \_\_\_\_\_/s/\_\_\_\_\_

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For Sunesys, LLC; Comcast Phone of California,

LLC; Crown Castle NG West LLC; Cox

Communications California, LLC and Cox

California Telcom, LLC

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<sup>3</sup> The other commenters were Frontier Communications, Liberty Utilities, PacifiCorp, Pacific Gas & Electric, San Diego Gas & Electric, and Southern California Edison.

<sup>4</sup> Consistent with CPUC Rule of Practice and Procedure 1.8(d), counsel for the above-referenced clients are authorized to sign and tender these comments for the members of the CIP Coalition.